

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
8

9 UNITED STATES OF AMERICA,
10 Plaintiff,

v.

11 PEDRO SILVA CHIPREZ and
12 SAMUEL SILVA-CHIPREZ,

13 Defendants.

NOS. CR-06-2121-RHW-1
CR-06-2121-RHW-4

**ORDER GRANTING
DEFENDANTS' MOTIONS TO
SUBSTITUTE COUNSEL**

14 Before the Court is Defendant Pedro Silva Chiprez's Motion to Withdraw
15 Plea of Guilty and Appoint Counsel (Ct. Rec. 936) and Defendant Samuel Silva
16 Chiprez's Motion to Withdraw Plea of Guilty (Ct. Rec. 964). The Court held a
17 hearing on these motions on November 22, 2010. Defendants were present with
18 counsel; the Government was represented by Assistant United States Attorney
19 Shawn Anderson. At the hearing, Defendant Samuel Silva Chiprez also orally
20 moved for a substitution of counsel. The Court granted both motions to substitute
21 counsel, finding that "the conflict between the defendant[s] and [their] attorney[s]
22 was so great that it prevented an adequate defense." *United States v.
Rivera-Corona*, 618 F.3d 976, 978 (9th Cir. 2010). The Court also found
Defendant Pedro Silva Chiprez financially eligible for appointed counsel. The
Court reserved ruling on Defendants' motions to withdraw their pleas. This order
memorializes the Court's oral rulings.

27 Accordingly, **IT IS HEREBY ORDERED:**

- 28 1. Defendant Pedro Silva Chiprez's Motion to Withdraw Plea of Guilty and

**ORDER GRANTING DEFENDANTS' MOTIONS TO SUBSTITUTE
COUNSEL * 1**

1 Appoint Counsel (Ct. Rec. 936) is **GRANTED** in part. Defendant Samuel Silva
2 Chiprez's oral motion to appoint counsel is **GRANTED**.

3 2. Attorneys George Trejo and Ricardo Hernandez may withdraw from their
4 representation of Defendants. They are directed to turn over the case files in their
5 entirety to newly appointed counsel as soon as possible.

6 3. This matter is **referred** to Magistrate Judge Hutton for the appointment
7 of substitute counsel.

8 4. The Court **reserves ruling** on Defendants' Motions to Withdraw Pleas of
9 Guilty (Ct. Recs. 936 and 964).

10 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
11 Order and to provide copies to counsel.

DATED this 22nd day of November, 2010.

s/Robert H. Whaley
ROBERT H. WHALEY
United States District Judge

Q:\CRIMINAL\2006\06-2121 (Chiprez)\substitute.ord.wpd

ORDER DIRECTING BRIEFING * 2